

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

PULMONETIC SYSTEMS, INC. )  
                            )  
Plaintiff,                )  
                            )  
v.                         ) C.A. No. 06-564 (JJF)  
                            )  
VERSAMED MEDICAL SYSTEMS, INC. )  
                            )  
Defendant.                )                  **REDACTED**

AFFIDAVIT OF JEROME B. KORTEN

I, Jerome B. Korten, being duly sworn according to law, hereby declare:

1. I serve as Chief Executive Officer of Versamed Medical Systems, Inc. ("Versamed"). In this capacity, I am familiar with Versamed's business.
2. Versamed is engaged in interstate commerce through, among other things, the purchase, sale and shipment of respiratory related equipment.
3. On or about June 8, 2004, Pulmonetic Systems, Inc. ("Pulmonetic") filed an action against Versamed and Versamed, Inc. in the United States District Court for the District of Minnesota, styled *Pulmonetic Systems, Inc. v. VersaMed, Inc. et al.*, Case No. 04-02918, alleging infringement of U.S. Patent No. 6,102,038 (the "038 patent") (the "2004 Minnesota litigation"). The parties settled the 2004 Minnesota litigation.

4.

**REDACTED**

5.

**REDACTED**

I declare under penalty of perjury that the foregoing is true and correct.

Dated: February 2, 2007



\_\_\_\_\_  
Jerome B. Korten

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that on February 8, 2007, I electronically filed the foregoing with the Clerk of the Court using CM/ECF, which will send notification of such filing(s) to the following:

Steven J. Balick  
Tiffany Geyer Lydon  
ASHBY & GEDDES

I also certify that copies were caused to be served on February 8, 2007, upon the following in the manner indicated:

**BY HAND**

Steven J. Balick  
Tiffany Geyer Lydon  
Ashby & Geddes  
222 Delaware Avenue  
P.O. Box 1150  
Wilmington, DE 19899

*/s/ Karen Jacobs Louden*

Karen Jacobs Louden  
klouden@mnat.com

## EXHIBIT A

**REDACTED**